



June 29, 2021

VIA ECF

Hon. Analisa Torres
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Ramon Abreu v. Torti Food, Corp., et al.*
Docket No.: 20-cv-10643 (AT)

Dear Judge Torres:

This firm represents Plaintiff Ramon Abreu, who brought the above-referenced matter against Defendants Torti Food, Corp. d/b/a Mirador Restaurant, LMP Coffee Shop Inc. d/b/a Mirador Restaurant, Demetria Chapman and Jose Perez (collectively as “Defendants”), his former employers, for alleged violations of the Fair Labor Standards Act and New York Labor Law. This matter is scheduled for an initial conference on July 7, 2021 at 10:40 a.m. This matter has also been referred to SDNY mediation. In this matter, Plaintiffs filed and served an Amended Complaint, joining LMP Coffee Shop Inc. As of that filing, Defendant Perez had not yet appeared.¹ After conferring with the assigned mediator, given the nature of Plaintiff’s allegations and the Defendants’ asserted defenses, it was determined that mediation would likely be unproductive until all Defendants appeared in this action. On June 22, 2021, Defendants LMP Coffee Shop Inc. and Perez filed their Answer to the Amended Complaint, being their first appearances in this matter. On June 25, 2021, Defendants Torti Food, Corp. and Chapman filed their Answer to the Amended Complaint. As such, the mediator and parties have conferred and scheduled mediation in this matter for July 29, 2021 at 10:00 a.m. The parties believe that conducting mediation before entry of a formal discovery plan would be prudent in order to conserve the parties’ resources, in light of certain Defendants’ financial circumstances.

Accordingly, Plaintiff requests, with the consent of and on behalf of Defendants Torti Food, Corp. and Chapman, that the parties be permitted until July 29, 2021 to complete mediation and that the initial conference be adjourned until a date convenient to the Court during August 2021. The then-appearing parties previously requested an adjournment of the initial conference, which was granted.

Lastly, Plaintiff requested consent from counsel for Defendants LMP Coffee Shop Inc. and Perez, but received an automatic message that counsel is out of the office until July

¹ Due to Plaintiff’s inability to locate Defendant Perez initially, the Court extended Plaintiff’s time to serve Defendant Perez with the original Complaint until April 30, 2021. D.E. 14.

11, 2021. As such, Plaintiff is unable to procure a statement of consent from counsel for Defendants LMP Coffee Shop Inc. and Perez with respect to this request for an adjournment of the initial conference. However, Defendants LMP Coffee Shop Inc. and Perez have explicitly agreed to the July 29, 2021 mediation date.

We thank the Court for its kind consideration of this request.

Respectfully submitted,

/S/ David D. Barnhorn, Esq.
DAVID D. BARNHORN, ESQ.

C: All Counsel of Record *via* ECF

GRANTED. The conference scheduled for July 7, 2021, is ADJOURNED to **September 1, 2021**, at **11:40 a.m.** By **August 25, 2021**, the parties shall submit their joint letter and proposed case management plan.

SO ORDERED.

Dated: June 30, 2021
New York, New York



ANALISA TORRES
United States District Judge